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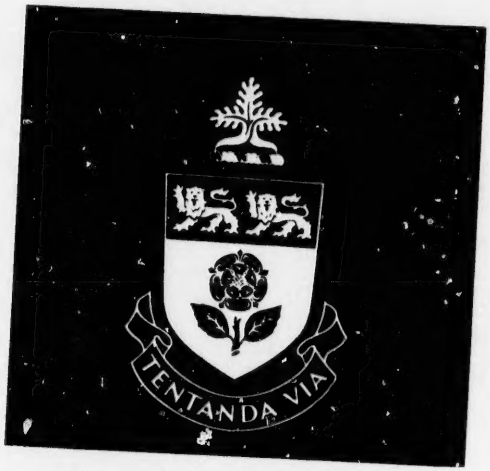

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THE

NORTH-WEST TERRITORIES

EPRESENTATION ACT

WITH AN

ALPHABETICAL INDEX PREFIXED THERETO

FOR THE

DANCE OF RETURNING OFFICERS.

BY RICHARD POPE,
Barrister-at-Law, Clerk of the Crown in Chancery for Canada.

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CHAPTER 7.

An Act respecting the representation of the North-West Territories in the Parliament of Canada. A.D. 1886.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The North-West Territories' Representation Act.*" 49 V., c. 24, s. 1.

Saskatchewan and Alberta.

2. The provisional districts of Saskatchewan and Alberta in the said Territories, as they were respectively constituted by an Order of the Governor in Council, bearing date the eighth day of May, one thousand eight hundred and eighty-two, shall each be an electoral district and shall each return one member to the House of Commons of Canada. 49 V., c. 24, s. 2.

Assiniboia to be divided.

3. The provisional district of Assiniboia as it was constituted by the said Order in Council shall be divided into two electoral districts, each of which shall return one member to the said House of Commons:

East and west ridings.

2. The said electoral districts shall be known as the East and West Ridings of Assiniboia and shall be constituted as hereinafter described:

East riding of Assiniboia.

(*a.*) The east riding of Assiniboia shall consist of so much of the said provisional district of Assiniboia as lies to the east of a line drawn from the international boundary line, along the centre of the road allowance between the fifteenth and sixteenth ranges of townships lying west of the second initial meridian in the system of Dominion land surveys, as the same is now or is hereafter set off, to the northerly boundary of the said provisional district of Assiniboia;

West riding of Assiniboia.

(*b.*) The west riding of Assiniboia shall consist of so much of the said provisional district of Assiniboia as lies to the west of the said line so drawn along the centre of the said road allowance, between the fifteenth and sixteenth ranges of townships in this section before mentioned. 49 V., c. 24, s. 3.

Who shall be qualified to vote.

4. Every person qualified to vote at the election of a member under this Act shall be a *bonâ fide* male resident and householder, of adult age, who is not an alien or an Indian,

within the electoral district, and who has resided in such electoral district for at least twelve months immediately preceding the issue of the writ of election. 49 V., c. 24, s. 4.

Issue of writs of election.

5. Every writ for the election of a member of the House of Commons under this Act shall be dated and be returnable on such days as the Governor General determines, and shall be addressed to such person as the Governor General appoints; and such person shall be the returning officer at the election to which such writ relates: Provided always, that if the person to whom the writ has been addressed refuses, or is disqualified or unable to act, the Governor General may appoint another person to be such returning officer. 49 V., c. 24, s. 5.

Proviso: in case of inability to act.

Place and day of nomination.

6. The Governor General shall fix the place and the day for the nomination of candidates at each such election, and the place and the day so fixed shall be specified in the writ of election for the electoral district to which such day applies: Provided always, that in the case of a general election the day so fixed shall be the same as that fixed for the nomination of candidates in the other electoral districts of Canada. 49 V., c. 24, s. 6.

Proviso.

Form of writ of election.

7. The writs of election shall be in the form A, in the schedule to this Act, and shall be transmitted by mail to the respective returning officers, unless otherwise ordered by the Governor General. 49 V., c. 24, s. 7.

Who may not be appointed returning officers, &c.

8. None of the persons hereinafter mentioned shall be appointed returning officers or deputy returning officers, election clerks or poll clerks, that is to say:—

(*a.*) Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of Canada;

(*b.*) Members of the Senate or members of the Legislative Council of any of the Provinces of Canada;

(*c.*) Members of the House of Commons, or members of the Legislative Assemblies of the several Provinces of Canada, or of the Council or Legislative Assembly of the North-West Territories;

(*d.*) Ministers, priests or ecclesiastics of any religious faith or worship;

(*e.*) Judges of the courts of superior civil or criminal jurisdiction, judges of any county or district court, insolvent court or vice-admiralty court, or stipendiary magistrates;

(*f.*) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament;

(*g.*) Sheriffs, registrars or other persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this Act. 49 V., c. 24, s. 8.

Who shall not be obliged to act as such.

9. None of the persons hereinafter mentioned, unless they are sheriffs, registrars, town clerks or assessors shall be obliged to act as returning officers, deputy returning officers, election clerks or poll clerks, that is to say:—

(*a.*) Professors in any university, college, high school or academy;

(*b.*) Physicians or surgeons;

(*c.*) Millers;

(*d.*) Postmasters, customs officers, or clerks in post offices or customs offices;

(*e.*) Persons of sixty years of age or upwards;

(*f.*) Persons who have previously served as returning officers at the election of a member for the House of Commons. 49 V., c. 24, s. 9.

Proceedings on receipt of writ.

10. The returning officer shall, on receiving the writ of election, forthwith indorse thereon the date on which he receives the same, and before taking any further action thereon, he shall take the oath of office in the form B, in the schedule to this Act. 49 V., c. 24, s. 10.

Election clerk.

11. The returning officer, by a commission under his hand, and in the form C, in the schedule to this Act, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one so appointed resigns, or refuses or is unable to perform his duties as such clerk. 49 V., c. 24, s. 11.

Duties of election clerk.

12. The election clerk shall assist the returning officer in the performance of his duties, and act in his stead as returning officer, whenever the returning officer refuses or is disqualified or unable to perform his duties, and has not been replaced by another. 49 V., c. 24, s. 12.

To take oath of office.

13. The election clerk shall, before acting as such clerk, take the oath of office in the form D, in the schedule to this Act. 49 V., c. 24, s. 13.

Returning officer and election clerk not to vote.

14. Neither the returning officer nor the election clerk shall in any case vote at an election in the electoral district for which he is acting, except as hereinafter provided. 49 V., c. 24, s. 14.

Proclamation to be posted up.

15. At least fifteen days before the day fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position, in at least ten of the most public places in the electoral district, a proclamation in the form E, in the schedule to this Act, in which proclamation shall be set forth the place and the day specified in the writ for the nomination. 49 V., c. 24, s. 15.

Another day may be fixed in cases specified.

16. Whenever from unforeseen accident, delays or otherwise, the proclamation cannot be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or whenever any candidate dies after being nominated and before the close of the polls, the returning officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by the next preceding section between the posting up of the proclamation and the nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. 49 V., c. 24, s. 16.

Report in such case.

Nomination of candidates.

17. At any time after the date of the proclamation, and before two of the clock in the afternoon of the day fixed for the nomination, any four or more electors may nominate a candidate by affirming to and signing, before a justice of the peace, or before the returning officer, and causing to be filed with the returning officer a nomination paper in the form F, in the schedule to this Act; and any votes given at the election for any other candidates than those so nominated shall be null and void. 49 V., c. 24, s. 17.

Nomination paper.

Consent of candidate.

18. No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the North-West Territories, when such absence shall be stated in the nomination paper; and—

Deposit to be made.

Unless a sum of two hundred dollars is deposited in the hands of the returning officer at the time the nomination paper is filed with him; and the receipt of the returning officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned:

Application of sum deposited.

2. The sum so deposited by any candidate shall be returned to him in the event of his being elected, or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of Canada; and the sums so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses; and an account thereof shall be rendered by him to the Auditor General of Canada. 49 V., c. 24, s. 18.

Attestation of nomination paper.

19. The returning officer shall require the person, or one or more of the persons producing any such nomination paper, to make oath before him, that he or they know that the several persons who have signed such nomination paper

are electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the North-West Territories, as the case may be:

2. Such oath may be in the form G, in the schedule to this Act; and the fact of its having been taken shall be stated on the back of the said nomination paper. 49 V., c. 24, s. 19. Form of oath.

20. Whenever only one candidate has been nominated within the time fixed for that purpose, the returning officer shall make his return to the Clerk of the Crown in Chancery that such candidate is duly elected for the said electoral district,—of which return he shall send within forty-eight hours a duplicate or certified copy to the person elected; and such return shall be in the form H, in the schedule to this Act. 49 V., c. 24, s. 20. Return by acclamation.

21. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. 49 V., c. 24, s. 21. Report with return.

22. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the withdrawal, there remains but one candidate, then the returning officer shall return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day. 49 V., c. 24, s. 22. Withdrawal of candidate. Return if only one candidate remains.

23. If at the time fixed for receiving nominations there remain more than one candidate in nomination, the returning officer shall grant a poll for taking the votes of the electors. 49 V., c. 24, s. 23. When poll may be granted.

24. As soon as the time for receiving nominations has elapsed, or at any time thereafter, the returning officer, if required, shall deliver gratis to every candidate, or to the person who filed the nomination paper on his behalf, a certified list of the candidates nominated. 49 V., c. 24, s. 24. Delivery of certified list.

25. If a poll is granted, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number, or otherwise designate them, and fix upon a suitable polling station in each such division. 49 V., c. 24, s. 25. Polling subdivisions to be established.

When poll shall be held.

26. Whenever a poll has been granted it shall be held on the same day of the week as the nomination, in the fourth week thereafter, and shall be opened at the hour of nine of the clock in the forenoon, and kept open until five of the clock in the afternoon of the said day; and the votes at the several polling stations shall be given between the said hours of that day, and by open voting. 49 V., c. 24, s. 26.

Proclamation if poll is granted.

27. Immediately after having granted a poll, the returning officer shall cause to be posted up at all places where the proclamation for the election was posted up, an election notice in the form I, in the schedule to this Act. 49 V., c. 24, s. 27.

Appointment of enumerators.

28. The Governor General may appoint enumerators to make lists of the electors in the electoral district; and if such appointments have not been made, the returning officer conjointly with any two justices of the peace, or with one justice of the peace and a notary public, or with any one of them resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hand a competent and reliable person to be enumerator for any one or more polling divisions of such district; and the returning officer shall see that no polling division is omitted to be included in some one of such appointments:

Enumerator to take oath of office.

2. The enumerator shall, before acting as such, take the oath of office in the form J, in the schedule to this Act. 49 V., c. 24, s, 28.

List of voters to be prepared.

29. Each such enumerator, immediately after the nomination day, if a poll is granted, shall carefully compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions for which he has been appointed; and he shall make three plainly written copies of the same, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form K, in the schedule to this Act. 49 V., c. 24, s. 29.

Lists to be completed and posted up.

30. Each enumerator shall complete, date at his place of residence and sign the copies of the voters' list or lists as aforesaid, eight days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision. 49 V., c. 24, s. 30.

Correction of list of voters.

31. If any enumerator, at any time after posting up any voters' list, and before the polling day, is fully satisfied, from representations made to him by any credible person, that the name of any qualified voter has been omitted from

the voters' list of the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature, and shall attest such addition by his initials; if the enumerator, in like manner, is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling division, he may draw erasing lines through such name, and write his own initials opposite thereto in the column for "remarks"; and if the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner. 49 V., c. 24, s. 31.

Attestation of list of voters.

32. Every enumerator, having revised and corrected such retained copy of each voters' list compiled by him, if he deems such correction necessary, as provided in the next preceding section, shall write at the foot of such copy and close to the last name thereon, on the day immediately preceding the polling day, a certificate in the form of the second certificate contained in form K, in the schedule to this Act. 49 V., c. 24, s. 32.

List to be delivered to deputy returning officer.

33. The enumerator shall deliver the voters' list so certified forthwith, or before eight o'clock in the morning of the polling day, to the deputy returning officer for the polling division to which it relates; and such list, as received by such deputy returning officer, shall be the voters' list for such polling division, subject to be further corrected on the polling day as hereinafter provided. 49 V., c. 24, s. 33.

Notice to be posted up.

34. The returning officer shall cause to be posted up with the election notice, a notice of information to electors in the form L, in the schedule to this Act. 49 V., c. 24, s. 34.

Accommodation at polling stations.

35. The returning officer shall secure at each polling station a room, building or other convenient place for the officers employed at the poll, with a window or door opening to the outside, and in winter, if possible, two rooms,—one for the officers and the other for the electors while voting. 49 V., c. 24, s. 35.

Appointment of deputy returning officers.

36. The returning officer shall, by a commission under his hand, appoint one deputy returning officer for each polling division comprised in the electoral district; but if the returning officer sees fit to act in the capacity of deputy returning officer for any polling division, he may dispense with appointing a deputy for such division and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is hereinbefore required to take. 49 V., c. 24, s. 36.

Oath of office to be taken.

37. Every deputy returning officer shall, before acting as such, take an oath of office in the form M, in the schedule to this Act. 49 V., c. 24, s. 37.

Poll book, &c., to be furnished.

38. The returning officer shall furnish each deputy returning officer with a poll book which shall be in the form N, in the schedule to this Act, and which shall contain as many columns showing the names of candidates as there are candidates duly nominated, and with at least five copies of the notice (form L) for the information of the electors. 49 V., c. 24, s. 38.

Appointment of poll clerk.

39. Each deputy returning officer shall forthwith appoint by commission under his hand a poll clerk, who before acting as such shall take the oath in the form O, in the schedule to this Act. 49 V., c. 24, s. 39.

Agents of candidates.

40. Any person who produces to the deputy returning officer, at any time, a written authority from a candidate to represent him as an agent at a polling station, shall be recognized as such by the deputy returning officer, and if no such agent is nominated by the candidate, any two electors may, at their own request, be recognized as the agents of such candidate: Provided always, that any agent bearing a written authorization from the candidate shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this section. 49 V., c. 24, s. 40.

Proviso.

Who may remain where votes are recorded.

41. In addition to the deputy returning officer and his poll clerk, each candidate and his agent, or in such candidate's absence any two agents of such candidate, and no others, shall be permitted to remain in the room or place, or that part thereof where the votes are recorded. 49 V., c. 24, s. 41.

Duties of deputy returning officer when a poll is held.

42. The deputy returning officer shall,—

(*a.*) Post up on the polling day before nine o'clock in the forenoon at least three of the handbills containing "Information for Electors" (form L) in conspicuous places near the polling station;

(*b.*) See that the poll clerk is put into possession of the poll book and voters' list in time for the polling;

(*c.*) Open the poll on the polling day at nine o'clock in the forenoon and keep it open till five o'clock in the afternoon of the same day;

(*d.*) Receive the votes of electors and see that they are correctly recorded by the poll clerk, and ask all questions relating to the qualification of voters required by any candidate or his agent;

(*e.*) Administer either or both of the oaths hereinafter mentioned to any elector, if required, and when necessary direct that the voters' list be corrected accordingly;

(*f.*) When the poll is declared by him to be closed, immediately sum up with the poll clerk the votes received by each candidate, and sign on the poll book with the poll clerk the certificate hereinafter mentioned;

(*g.*) When the said certificate is signed, seal up the poll book and voters' list in one package and forward them to the returning officer as he directs. 49 V., c. 24, s. 42.

Administration of oaths to electors.

43. Every deputy returning officer may and shall, when he is required so to do by any candidate or agent of a candidate, administer to any elector either one or both of the oaths set forth in form P, in the schedule to this Act. 49 V., c. 24, s. 43.

Oath when voter's name is not on the list.

44. The deputy returning officer shall, while the poll is open, if required by any elector whose name is not on the voters' list, administer to such elector oath number one in the said form P; and such oath having been taken, the deputy returning officer shall at once cause such elector's name to be added to the voters' list, with the word "sworn" written thereafter. 49 V., c. 24, s. 44.

Voter on the list may be sworn.

45. Every person whose name is on the voters' list, unless sworn as in the next preceding section provided, shall, before being permitted to vote, if required by any candidate, agent or elector, take the said oath number one; and if he refuses to take the same, erasing lines shall be drawn through his name on the voters' list, and the words "refused to be sworn" written thereafter. 49 V., c. 24, s. 45.

If he refuses.

What voters may vote.

46. Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in accordance with the foregoing provisions of this Act or whose name is added to the said list as herein provided; but if any such voter, when required by the deputy returning officer, or by any candidate, agent or elector, refuses to take oath number two in the said form P, he shall not be permitted to vote, and if his name has been entered in the poll book, erasing lines shall be drawn through it, and the words "refused to take oath number two" written thereafter. 49 V., c. 24, s. 46.

Refusal to take oath.

Interpreter may be sworn.

47. Whenever the deputy returning officer does not understand the language of an elector claiming to vote, he may swear an interpreter, to be the means of communicating

between him and such elector with reference to all matters required to enable such elector to vote. 49 V., c. 24, s. 47.

As to votes of certain officers and agents.

48. Any deputy returning officer, candidate, agent or poll clerk, who belongs to a polling division other than the one at which he is stationed on the polling day, shall be permitted to vote at the polling station where he is so stationed, provided he produces a certificate from the enumerator of the polling division to which he belongs, that he is a qualified voter in such polling division,—which certificate such enumerator shall give gratis to any qualified elector who is so stationed outside of his own polling division. 49 V., c. 24, s. 48.

Administration of oaths to electors.

Entry in such case.

49. In case any vote is recorded as provided in the next preceding section, in a different polling division to that in which the voter resides, the particular office or position which the voter is filling at the station at which he voted shall be entered opposite his name in the poll book in the column for "remarks." 49 V., c. 24, s. 49.

Oath when voter's name is not on the list.

Poll clerk to act as deputy returning officer in case of need.

50. If the deputy returning officer is unable or fails to perform his duties, the poll clerk shall act in his place without taking any further oath of office, and he shall appoint another poll clerk who shall take the oath of office as such hereinbefore prescribed. 49 V., c. 24, s. 50.

Voter on the list may be sworn.

How votes shall be recorded.

51. The poll clerk shall write in the poll book the full name and the occupation and residence of each voter, and shall, opposite thereto, mark the figure 1 in the column for the candidate in whose favor the vote of such voter is given; and immediately the vote is recorded he shall write "voted" after the elector's name in the voter's list. 49 V., c. 24, s. 51.

If he refuses.

Correction of list of voters.

52. The poll clerk shall make such additions, alterations, and erasures in the voters' list, and such entries in the poll book as the deputy returning officer directs him to make, as is required by any provision of this Act. 49 V., c. 24, s. 52.

What voters may vote.

Close of the poll and summing up the votes.

53. At five o'clock in the afternoon of the polling day the deputy returning officer shall declare the poll closed; and immediately thereafter he and the poll clerk, in the presence of the candidates or their agents, shall sum up the votes given for each candidate, and shall enter in the poll book, immediately below the last name recorded, and shall sign a certificate in the form Q in the schedule to this Act. 49 V., c. 24, s. 53.

Refusal to take oath.

Certificate.

Interpreter may be sworn.

Duplicate to be retained.

54. A duplicate copy of the said certificate shall be made out and signed in the same manner, on a separate sheet of paper, which duplicate shall be kept by the deputy returning officer, after he has forwarded the poll book and voters'

list to the returning officer; and if by any means the poll book should be lost or destroyed, he shall deliver the said duplicate certificate to the returning officer. 49 V., c. 24, s. 54.

Copies for candidates.

55. Every poll clerk, on being requested so to do by any candidate or his agent, shall deliver, free of charge, to such candidate or agent, a copy of the certificate made by the deputy returning officer and himself at the close of the poll. 49 V., c. 24, s. 55.

Addition of votes by the returning officer.

56. The returning officer, at the place, day and hour appointed by his election notice, and after having received all the poll books, shall proceed to open them in presence of the election clerk, and the candidates or their representatives, if present, or of at least two electors, and to add together the number of votes given for each candidate from the poll books of the several polling divisions returned by the deputy returning officers; but if all the poll books are not received on the day named in the election notice, he may adjourn the final summing up of votes until every poll book, or in its absence, the duplicate certificate of the deputy returning officer and poll clerk, has been received. 49 V., c. 24, s. 56.

Postponement if poll books are not all received.

Declaration of election.

57. The candidate who, on the final summing up of the votes, is found to have a majority of votes, shall be then declared elected. 49 V., c. 24, s. 57.

Provision in case of a tie.

58. When, on the final addition of votes by the returning officer, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer shall give such additional or casting vote. 49 V., c. 24, s. 58.

Return, and form thereof.

59. The returning officer, after such final summing up, shall forthwith transmit his return to the Clerk of the Crown in Chancery by mail, after having registered the same, and such return shall be in the form R, in the schedule to this Act. 49 V., c. 24, s. 59.

Copies for candidates.

60. The returning officer shall forward to each of the respective candidates a copy of his return to the Clerk of the Crown in Chancery. 49 V., c. 24, s. 60.

What shall accompany the return.

61. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, including the number shown in his final summing up of votes; he shall also forward to the said Clerk of the Crown in Chancery, by mail, after having registered the same, all the poll books and voters' lists of the several polling divisions. 49 V., c. 24, s. 61.

Proclamation &c., may be written or printed.

62. The proclamation and other notices required to be posted up at any election under this Act, the poll books and all other documents herein mentioned, may either be printed or written, or partly printed and partly written. 49 V., c. 24, s. 62.

Proceedings not to be delayed.

Exception.

Report in such case.

63. The returning officer shall not delay proceeding with an election under this Act, unless he ascertains that the poll at any polling station has been so obstructed or so grossly neglected or mismanaged, that qualified electors have had no fair opportunity to record their votes,—in which case he shall not return any candidate elected, but shall report the proceedings in full to the Clerk of the Crown in Chancery. 49 V., c. 24, s. 63.

Copies of Act for returning officer and deputies.

64. One copy of this Act, and of such portions of "*The Dominion Elections Act*" as are hereinafter incorporated with this Act, and of such instructions, approved by the Governor in Council, as are necessary to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed), for the returning officer, and one for each of his deputies, shall be transmitted, with the writ of election, to each returning officer. 49 V., c. 24, s. 64.

Personation defined.

Penalty for.

65. Every one who, at an election of a member of the House of Commons under this Act, tenders a vote in the name of some other person, whether such name is that of a person living or dead, or a fictitious person, or having voted once at any such election, tenders a vote at the same election, is guilty of personation, and shall be liable to a penalty not exceeding six hundred dollars, and to imprisonment for a term not exceeding six months. 49 V., c. 24, s. 65.

Recital.

Tariff of fees may be made.

66. Inasmuch as in view of the extension of the electoral franchise to the North-West Territories, as by this Act provided, and the specific provisions in that behalf herein enacted, and of the remoteness of certain portions of the said Territories, it may appear that allowances for fees and disbursements, similar to those provided by section one hundred and twenty-one of "*The Dominion Elections Act*," will be inadequate or insufficient for a fair and just but economical remuneration for the services performed, the Governor in Council may make a tariff of fees, costs and expenses, based, as nearly as may be, on the tariff of fees, costs and expenses in the said section set forth, to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff:

To be laid before House of Commons.

2. A copy o ery such tariff, and of every amendment thereof, shall be laid before the House of Commons at the then next session thereof. 49 V., c. 24, s. 66.

Certain provisions of the Dominion Elections Act incorporated.

67. Paragraphs (*a*), (*b*) and (*h*) of section two, sub-section one of section twenty, and sections sixty-six, sixty-seven, seventy-three to eighty-eight, both inclusive, ninety to ninety-nine, both inclusive, one hundred and one, one hundred and two, one hundred and four to one hundred and twenty, both inclusive, and one hundred and twenty-six to one hundred and thirty-one, both inclusive, of "*The Dominion Elections Act*," are hereby incorporated with this Act, and shall be read as forming part thereof. 49 V., c. 24, s. 67.

46 V., c. 4. S. 9 of c. 5 not affected.

68. Nothing in this Act contained shall be deemed to affect or to modify in any manner whatsoever the provisions of section nine of "*The Electoral Franchise Act.*" 49 V., c. 24, s. 70, *part.*

Commencement of Act.

69. This Act shall come into force upon, from and after such day as the Governor General, by proclamation, directs. 49 V., c. 24, s. 71.

SCHEDULE OF FORMS.

A.

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith;—To of

GREETING:

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next (*omit this preamble, except in the case of a general election*). We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member to serve in the House of Commons of Canada, for the electoral district of

(*except in case of a general election, insert here* in the place of , deceased, *or otherwise, stating the cause of vacancy*), and that you do cause the nomination of candidates at such election to be held on the day of next, at , and do cause the name of such member when so elected, whether he is present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Governor General (*or* Administrator of the Government) of Our Dominion of Canada, at Our City of Ottawa, the

day of , in the year of Our Reign and in the year of Our Lord 18 .

Indorsement.

Received the within Writ on the day of 18 .

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form A.

B.

Oath of the returning officer.

I, the undersigned, A. B., returning officer for the electoral district of , solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of and that I will act faithfully in that capacity, without partiality, fear, favor or affection: So help me God.

(*Signature*), A. B.,
Returning Officer.

Certificate of returning officer having taken oath of office.

I, the undersigned, hereby certify that on the day of the month of , 18 , A. B., the returning officer for the electoral district of , took and subscribed before me, the oath (*or* affirmation) of office, in such case required of a returning officer, by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate.

(*Signature*), C. D.,
Justice of the Peace.

49 V., c. 24, sch. form B.

C.

Commission of an election clerk.

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of returning officer for the electoral district of , I have appointed, and

do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for the said electoral district of , which election will be opened by me, on the day of the month of 18 .

Given under my hand this day of , in the year 18 .

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form C.

D.

Oath of the election clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm), that I will act faithfully in my said capacity as election clerk, and also in that of returning officer if required to act as such according to law, without partiality, fear, favor or affection: So help me God.

(*Signature*), E. F.,
Election Clerk.

Certificate of the election clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of , 18 , E. F., election clerk for the electoral district of , took and subscribed before me, the oath (*or* affirmation) of office required in such case of an election clerk, by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate under my hand.

(*Signature*), C. D.,
Justice of the Peace.
or A. B,
Returning Officer.

49 V., c. 24, sch. form D.

E.

PROCLAMATION.

Electoral District of , to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the day of , 18 , I require the presence of the said electors at (*describe the place where the nomination is to take place*) on the day of from noon until two of the clock in the afternoon, for the purpose of nominating a person to represent them in the House of Commons of Canada, and that, in case a poll becomes necessary, such poll will be open on the day and during the time prescribed by law at the polling station in each of the polling divisions which are, after the nomination, specified by me in an election notice.

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at , this day of , in the year 18 .

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form E.

F.

Nomination paper, &c.

We, the undersigned electors of the electoral district of hereby nominate (*name, residence and addition or description of person nominated*) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral district, this day of 18 .

Signed by the said electors, in presence of , of (*additions*).

Signatures with residence and additions.

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at , this day of , 18 .

Signed by the said nominee, in presence of , of , (*additions*). } *Signature.*

49 V., c. 24, sch. form F.

G.

Oath of attestation of the nomination paper.

I, G. H., of (*additions*), solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I know (*mentioning the names of the signers known to him*), and that they are duly qualified as electors of the electoral district of , to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (*or* within) nomination paper in my presence; and further (*if the case be so*), that I know the said , thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (*or* affirmed) before me, at , this day of , 18 . } (*Signature*), G. H.

C. D.,
Justice of the Peace.

The forms in this schedule may be varied according to circumstances, the intention of the Act being complied with, and the assent of the candidate may be sworn to by a separate elector, if the facts require it to be so.

49 V., c. 24, sch. form G.

H.

Return when there is only a single candidate nominated.

I hereby certify that the member elected for the electoral district of , in pursuance of the within written writ, is R. O., of , in (*as in the nomination paper*), no other candidate having been nominated (*or* the other *or* all other candidates having withdrawn, *as the case may be*).

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form H.

I.

Election notice.

Electoral District of }
To wit: }

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said district, and that such poll will be open on , the day of , 18 , from the hour of nine in the forenoon till the hour of five in the afternoon, in each of the following divisions, that is to say:—

For the polling division No. 1 (*or other designation*) consisting of (*or* bounded as follows, *or as the case may be*) at *describe the polling station; and so continue for all the other polling divisions and polling stations in the electoral district*).

Further, that the persons duly nominated, and for whom only votes will be received, are,—

1. }
2. } (*Insert the name and additions of each candidate, as*
3. } *given in the nomination papers.*)

And further, that unless the election is otherwise terminated before the time above named for closing the poll, I will, on , the day of , 18 , open the poll books, sum up the votes given for the several candidates and return as elected the one having the majority of votes

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at , this day of , 18 .

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form I.

J.

Oath of enumerator.

I, the undersigned, I. J., appointed enumerator for the polling district No. (*or as the case may be*) of the electoral district of , solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favor, or affection: So help me God.

(*Signature*), I. J.,
Enumerator.

Certificate of an enumerator having taken the oath of office.

I, the undersigned, hereby certify that on the day of the month of , I. J., enumerator for the polling district No. 1, (*or as the case may be*) of the electoral district of , took and subscribed the oath (*or* affirmation) of office, required in such case of an enumerator, by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate under my hand.

(*Signature*), C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.

49 V., c. 24, sch. form J.

K.

List of voters.

Electoral district of
Polling division No. 1 (*or as the case may be*)

No	Name.	Occupation or Addition.	Residence.	Remarks.

I certify that the foregoing is a true copy of the voters' list in polling division No. 1 (*or as the case may be*) of the electoral district of , as prepared by me for use in the election of a member of the House of Commons for the said electoral district, now pending.

(*Signature*), I. J.
Enumerator.

(*Here the enumerator shall make any addition to the list which he finds necessary.*)

I certify that the foregoing is a correct list of the voters in polling division No. 1 (*or as the case may be*) of the electoral district of as revised (*or if no correction is made*, as finally approved) by me this day of 18 .

(*Signature*), I. J.,
Enumerator.

49 V., c. 24, sch. form K.

L.

Information to electors.

The following is the qualification of electors as prescribed by the Parliament of Canada.

(*Here insert section four of this Act.*)

If any elector finds that his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator on any day before the polling day and if the enumerator objects to add his name to the said list, he may require the deputy returning officer, on the polling day, while the poll is open, to cause his name to be placed on the list on taking before that officer the following oath :

(*Here insert oath No.* 1. *See form P.*)

Each elector may vote only at one polling station and for one candidate within the same electoral district.

Any elector wishing to record his vote shall, in his turn while the poll is open, go up to the deputy returning officer, state his full name, occupation or addition and place of residence, take such oaths as the deputy returning officer lawfully puts to him, and declare for which candidate he votes.

Every elector, after having voted, shall quietly leave the polling station.

(*Signature*), A. B.,
Returning Officer.

Dated 18 .

49 V., c. 24, sch. form L.

M.

(*Oath of deputy returning officer.*)

I, the undersigned, G. H., appointed deputy returning officer for the polling district No. , (*or as the case may be*) of the electoral district of , solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favor, or affection: So help me God.

(*Signature*), G. H.,
Deputy Returning Officer.

Certificate of a deputy returning officer having taken the oath of office.

I, the undersigned, hereby certify that on the day of the month of , G. H., deputy returning officer for the polling district No. , *(or as the case may be)* of the electoral district of , took and subscribed the oath (*or* affirmation) of office, required in such case of a deputy returning officer by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate under my hand.

(*Signature*),

C. D.,
Justice of the Peace.

or A. B.
Returning Officer.

49 V., c. 24, sch. form M.

N.

FORM OF POLL-BOOK.

No. of the Voter.	No. on the Voters' List.	Name of Voter.	Occupation or Addition.	Place of Residence.	Sworn.	Name of Candidate.	Name of Candidate.	Name of Candidate.	Remarks.

49 V., c. 24, sch. form N.

O.

Oath of poll clerk.

I, the undersigned, L. M., appointed poll clerk for the polling district No. , (*or as the case may be*) of the electoral district of , do solemnly swear (*or, if he is one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favor or affection: So help me God.

(*Signature*), L. M.,
Poll Clerk.

Certificate of the poll clerk having taken the oath.

I, the undersigned, hereby certify that on the day of the month of , L. M., poll clerk for the polling district No. , (*or as the case may be*) of the electoral district of took and subscribed before me the oath (*or* affirmation) of office required of a poll clerk in such cases by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate under my hand.

(*Signature*), C. D.,
Justice of the Peace.
or A. B.,
Returning Officer.
or G. H.,
Deputy Returning Officer.

49 V., c. 24, sch. form O.

P.

Oaths to be taken by voters.

No. 1.

You do swear that you are a *bonâ fide* male resident and householder within this polling division of this electoral district, that you are of the full age of twenty-one years, that you are not an alien or an Indian, and that you have resided in this electoral district for at least twelve months immediately preceding the date of the issue of the writ for this election: So help you God.

No. 2.

You do swear that you have not received any money or other reward, nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election in this electoral district, either at this or any other polling station. So help you God.

49 V., c. 24, sch. form P.

Q.

Certificate in the poll book.

We, the undersigned, deputy returning officer and poll clerk for the polling division No. , (*or as the case may be*) of the electoral district of , solemnly declare that to the best of our knowledge and belief the poll book for the said polling division contains a true and exact record of the votes polled at the polling station thereof; that we have faithfully counted the votes given for each candidate, and that the number recorded for (*here insert the name of one candidate*) was (*and so on for each of the candidates*).

In witness whereof we hereto set our hands, this day of 18 .

(*Signatures*), G. H.,
Deputy Returning Officer.
L. M.,
Poll Clerk.

49 V., c. 24, sch. form Q.

R.

Return when a poll has been held.

I hereby certify that the member elected for the electoral district of in pursuance of the within writ, as having the majority of votes lawfully given, is (*name as in the nomination paper*).

Dated at , this day of , 18 .

(*Signature*), A. B.,
Returning Officer.

49 V., c. 24, sch. form R.

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.

51 VICTORIA.

CHAP. 10.

An Act to amend "The North-West Territories Representation Act."

[*Assented to 22nd May*, 1888.]

Preamble.

WHEREAS it is desirable that elections should be held in the North-West Territories on the same day as they are held in other parts of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Section 15 of R.S.C., c. 7 repealed; new section.

1. Section fifteen of "*The North-West Territories Representation Act*" is hereby repealed, and the following section substituted in lieu thereof:—

Proclamation to be posted up.

"**15.** At least eight days before the day fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position, in at least ten of the most public places in the electoral district, a proclamation in the form E, in the schedule to this Act, in which proclamation shall be set forth—

What it shall set forth.

Nomination.

"(*a.*) The place and time fixed for the nomination of candidates;

Day of polling.

"(*b.*) The day on which the poll for taking the votes of the electors is to be held in case a poll is demanded;

Polling stations.

"(*c.*) The several polling stations fixed by him, and the territorial limits to which they respectively apply;

Summing up votes.

"(*d.*) The time when and the place where the returning officer will sum up the number of votes given to the several candidates."

Sections 25 and 26 repealed; new sections.

2. Sections twenty-five and twenty-six of the said Act are hereby repealed, and the following are substituted in lieu thereof:—

Polling subdivisions to be established.

"**25.** Immediately upon the receipt by the returning officer of the writ for the election, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number or otherwise designate them, and fix upon a suitable polling station in each such division."

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